Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 910-01193-5100-058	Date: 10/20/10		Time: 1137
Location: 441 Bauchet. Street		City or Station: Los Angeles	
Bureau/Station/Facility: Custody Division/Men's Central Jail		Admin. Investigation: YES [ ] NO [X]	
Type of Force: Significant/Taser/Freeze + P Spray/ Personal weapons/ Take Down			
Deputy Injury: YES [X] NO [ ]	Suspect Injury YES [X] NO [ ]		
[ ] Call	[ ] Observation	[X] Detail	[ ] Foot Pursuit [ ] Vehicle Pursuit
IAB Notified: YES [X] NO [ ]	Person Notified: Lt. Fredericks	Emp: [redacted]	IAB Roll Out: YES [X] NO [ ]

Involved Employee

E1

Employee #: [redacted]	Last Name: Sanchez	First Name: Jose	Middle Name: L
Sex: [X] Male [ ] Female	Race: H	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 2000 Prowl #2
Shift: [ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 5'09" Weight: 195 lbs
[X] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [X]

E2

Employee #: [redacted]	Last Name: Villalobos	First Name: Adam	Middle Name: D
Sex: [X] Male [ ] Female	Race: H	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 26/28 Module Title 15
Shift: [ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 5'07" Weight: 175 lbs
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [X]

E3

Employee #: [redacted]	Last Name: Kerfoot	First Name: Matthew	Middle Name:
Sex: [X] Male [ ] Female	Race: W	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 26/28 Prowl/Movement
Shift: [ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: Weight:
[X] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [X]

[ ] **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Vargas	Paul	J	SLD	YES [ ] NO [X]	YES [ ] NO [X]
[redacted]	Mosquera	Hugo		SGT	YES [X] NO [ ]	YES [ ] NO [X]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	De La Rosa	Veronica	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Duane	Harris	J

Watch Commander (**Print Name**) ____ Watch Commander's **Signature**: ____ Emp #: ____ Date ____

Eric Strong, Sergeant [redacted]

Supervisor Completing Form: (**Print Name**) ____ Emp #: ____ Copy Provided to Employee by: ____ Emp #: ____

Unit Commander (**Print Name**) ____ Unit Commander's **Signature**: ____ Emp #: ____ Date ____

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
9 1 0 - 0 1 1 9 3 - 5 1 0 0 - 0 5 8

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	[redacted]

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6'03"	300

	Hospital	Coroner Case #	
☒ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
9 1 0 - 0 1 1 9 3 - 5 1 0 0 - 0 5 8

Suspect Information

S 1

Last Name: Clayborn | First Name: Richard | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: W | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: [redacted] | Age: 37 | Height: 5'11" | D.O.B. 06/04/73 | Weight: 180 | Armed? ☒

Booking #: 2016833 | Primary Charge Code: 23222 (B) VC | Secondary Charge Code: 11379 (A) VC | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☒ Rec'd Treatment At: Los Angeles Medical Center | Coroner Case #: ______ | Mental History ☐

By Doctor: WU | Address: ______ | Phone #: (323) 409-4563

Under Influence: ☐ YES ☒ NO Substance: ______ | Mental Illness ☐

Suspect Interview

Date: 10/20/10 | Time: 1200 | Audiotape: ☐ | Videotape: ☒ | Photos of Injuries: ☒

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
910-01193-5100-058

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Mosquera	Hugo	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Clayborn	S1	Sanchez	E1	PH/PK	BR	FA
Sanchez	E1	Clayborn	S1	TD/PH/TR	BR/FR/PW/LC	FA/BK/CH/IN
Villalobos	E2	Clayborn	S1	TD/PH/PO	BR/FR/LC	FA/BK/CH/IN
Kerfoot	E3	Clayborn	S1	TD/PK/PH	BR/FR/LC	FA/BK/CH/IN
Clayborn	S1	Kerfoot	E3	PH/PK	BR	FA
[redacted]	E4	Clayborn	S1	TD/PH/PO	BR/FR/LC	FA/BK/CH/IN
Clayborn	S1	[redacted]	E4	PH/PK	CP	AD/LE
Clayborn	S1	Villalobos	E2	PH/PK	CP	FA
Kerfoot	E1	Clayborn	S1	TD/PH/PO/OC	BR/FR/LC	FA/BK/CH/IN

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE

UNIT:	**Men's Central Jail**
DATE:	Sunday, October 20, 2010
TIME:	1830 hours
LOCATION:	2000 Floor Mini Clinic
URN#:	409-10519-0399-058
IAB#:	FO2254445

This investigation is based on statements by the involved deputies, witness deputies at the scene, information obtained during the investigation and various written documentation. There was a video recording of a portion of the contact.

SYNOPSIS:
On October 20, 2010, deputies from the Men's Central Jail developed information that Inmate Clayborn (suspect) possessed a stabbing weapon (shank) secreted in his rectal cavity. The inmate was handcuffed and escorted to the Men's' Central Jail clinic without incident. Once in the clinic, the inmate refused to submit to an X-ray to prove or disprove the presence of the shank in his rectum. The inmate was taken to the "mini-clinic" of the jail, where he could be monitored until they could secure a plan to get him X-rayed. Although refusing to be X-rayed without a court order, the inmate was otherwise cooperative. Once taken to the mini-clinic, Inmate Clayborn's handcuffs were removed. Inmate Clayborn was facing away from the deputies (Sanchez and [redacted]) while they removed his handcuffs. Once his hands were free, Clayborn immediately turned toward the deputies and punched Deputy Sanchez in the face, causing Sanchez to fall backward.

Deputies Kerfoot, [redacted], Villalobos, and Sanchez became physically involved with Inmate Clayborn by using personal weapons (punches to the face, right and left rib cage area, knees to the stomach, face and shoulder). In addition, they utilized OC spray and the Taser. Inmate Clayborn fought violently with the deputies, at times elbowing the deputies in the face and bodies. Clayborn finally submitted to handcuffing after being "drive stunned" with the Taser.

Inmate Clayborn was initially treated for his injuries at the Men's' Central Jail clinic. He was subsequently transferred to LCMC where he was treated for two lacerations to his head and right ear, as well as Taser puncture marks. X-rays of the Inmate's ribs detected a "possible fracture," as well as an old fracture on the right side of his rib cage. The fracture was not immediately confirmed, as there was no radiologist available to read the films. On October 24, 2010, a second X-ray was taken with a confirmed diagnosis of a lateral fracture to the 10th right rib. Internal Affairs Bureau was notified of the confirmed fracture on October 27, 2010.

Inmate Clayborn later agreed to remove the 4" metal shank and a lighter from his rectum, which were recovered by MCJ Sergeant Hugo Mosquera, and placed into evidence.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY:

Kerfoot, Matthew #[redacted]

Date of Employment	02/20/08
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	

Sanchez, Jose #[redacted]

Date of Employment	08/02/06
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	

[redacted]#[redacted]

Date of Employment	[redacted]
Date assigned to Patrol	N/A
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	

Villalobos, Adam #[redacted]

Date of Employment	06/04/07
Date assigned to Patrol	[redacted]
Completed Patrol Training	
Prior Shooting Incident(s)	[redacted]
Prior Founded Force Incidents	[redacted]

SUSPECT:
Clayborn, Richard M/W, 5'11", 180 pounds, Black/Brown, DOB: 06/04/73
[redacted]:

[redacted].

SWORN WITNESSES:
Deputy [redacted]#[redacted]
Men's Central Jail

Deputy [redacted] wrote an Incident Report regarding the criminal activity of Inmate Clayborn. In his report Deputy [redacted] states that he witnessed Inmate Clayborn strike Deputy Sanchez, and deputies struggling with Inmate Clayborn.

Deputy [redacted] did not witness any specific actions or force used by deputy personnel. Deputy [redacted] provided security for other inmates that were on the floor at the time of the incident. Deputy [redacted] attention was focused on the inmates and he only saw glimpses of a struggle in his peripheral out of the corner of his vision.

CIVILIAN WITNESSES:
None.

INJURIES
Deputy Kerfoot suffered a contusion to the left side of his forehead.

Deputy Sanchez suffered bruising and swelling to the left side of his face (jaw area).

Inmate Clayborn was transported to LCMC where he was treated for a laceration to his head, multiple bruises, and Taser prongs were removed from his back. Several days later it was determined that Inmate Clayborn had a fractured rib.

PHYSICAL EVIDENCE
Photographs of the scene after the incident (Exhibit B).
Surveillance camera video (Exhibit F).
Taser Camera Video (Exhibit G).
Jail made weapon - "Shank" and a lighter (Photographs, Exhibit E).

INVESTIGATOR'S OBSERVATIONS
IAB Investigator's visited the location, at a later date, and observed the location to be as depicted in photographs and video images.

The hallway is adjoined, by a doorway, to the 2000 floor on one side, and another doorway, that leads to the Mini-Clinic (opposite the doorway leading to the 2000 floor).

WEAPONS USED BY DEPUTY PERSONNEL
Taser
Personal Weapons (Hands/feet/knees)
OC Spray

WEAPONS USED BY SUSPECT
Personal Weapons (Hands, arms, legs)

PROPERTY DAMAGE
None

CRIMINAL INVESTIGATOR and CHARGES FILED
Lt. Greg Johnson is the supervisor over Operation Safe Jails and the Jail Investigative Unit. Lt. Johnson reviewed the criminal case against Inmate Clayborn in this incident, and made the determination not to present it to the District Attorney's Office in the interest of jail security.

Inmate Clayborn was transported to state prison [redacted].

LIGHTING AND WEATHER CONDITIONS
The incident occurred inside a custody facility with indoor overhead lighting.

SCENE DESCRIPTION
The scene was a hallway connecting the main hallway of the 2000 floor with the floor mini-clinic. The hallway is partitioned in two sections. The sections are separated by a metal security gate, which extends from floor to ceiling and has a pass through in the middle (refer to photographs, **Exhibit B**).

SUSPECT STATEMENT
Inmate **Richard Clayborn** was interviewed by Sergeant Mosquera while he was being medically treated. This interview was video recorded and the video recording is included in this case book.

Inmate Clayborn stated he fell and does not remember how he sustained any injuries.

IAB investigators also attempted to interview Inmate Clayborn. Inmate Clayborn was uncooperative and did not wish to give a statement.

INVOLVED AND WITNESS DEPUTY STATEMENTS

This is a summary based on statements given during recorded interviews by the involved deputies and witnessing deputies. For complete and detailed statements refer to the digital audio files and the verbatim transcripts, which are included in this investigative casebook.

Deputy **Matthew Kerfoot** wrote a supplemental report regarding his actions and observations during this incident. Deputy Kerfoot was also interviewed regarding this incident. For Deputy Kerfoot's complete and detailed statement refer to his Supplemental Report **(Exhibit A)**, the verbatim transcript or digital audio file.

Deputy Kerfoot stated he received information from an inmate that another inmate identified as "Risky" was in possession of a "shank" (jail made weapon), which was hidden in his anal orifice. Deputy Kerfoot knew that Inmate Richard Clayborn's moniker was "Risky."

Deputy Kerfoot contacted the inmate, handcuffed him, and with the assistance of Deputy Sanchez, escorted Clayborn to the main clinic in order to conduct an X-ray. Deputy Kerfoot contacted his floor sergeant (Sergeant Mosquera) and advised him of the information he had received.

When it was time for Inmate Clayborn to be X-rayed he advised the deputies that there was no need for an X-ray, and refused the X-ray procedure. Deputy Kerfoot contacted Sergeant Mosquera and advised him of the refusal. Sergeant Mosquera responded to the clinic and talked to Inmate Clayborn trying to convince him to cooperate with the X-ray procedure; however, Clayborn still refused.

Deputy Kerfoot said Sergeant Mosquera then went to the Watch Commander's office to advise the Watch Commander of the situation. Deputy Kerfoot said he contacted Sergeant Mosquera a short time later and Sergeant Mosquera advised him to take Inmate Clayborn back to the 2000 floor.

Deputies Kerfoot and Sanchez took Clayborn back to the 2000 floor, and when they arrived on the floor, Deputy Kerfoot said they saw several other inmates in the hallway. Deputy Kerfoot said they took Clayborn into the mini-clinic to implement a plan to get Clayborn to remove the shank.

Deputy Kerfoot said he stepped out of the hallway leading to the mini-clinic while Deputy Sanchez un-handcuffed Inmate Clayborn. When Deputy Sanchez took the handcuffs off, Inmate Clayborn turned to his left and struck Deputy Sanchez in the face with his fist.

Deputy Sanchez stumbled backwards and Deputy Kerfoot moved toward Inmate Clayborn in order to stop the assault on Deputy Sanchez. Deputy Kerfoot saw Deputies [redacted] and Villalobos also attempt to restrain Inmate Clayborn.

Deputy Kerfoot gave several verbal commands for Inmate Clayborn to stop fighting, but he continued his assault on the deputies. The momentum of the deputies trying to control Clayborn took them all to the ground and Clayborn landed on his left side. Deputy Kerfoot attempted to gain control of Clayborn's right arm and Clayborn struck Deputy Kerfoot in the face with his right elbow. Deputy Kerfoot was stunned and stood up to gather himself.

Deputy Kerfoot saw Inmate Clayborn continue to fight with the deputies, and saw Clayborn grab Deputy [redacted] leg. Deputy Kerfoot feared that the Inmate was going to assault Deputy [redacted] by trying to take him to the ground, so Deputy Kerfoot punched Clayborn in the face 3-4 times. Clayborn continued his assault and still refused to comply with verbal commands to stop fighting.

Deputy Kerfoot saw Clayborn turn on his stomach and try to push up with his arms. Deputy Kerfoot thought Inmate Clayborn was trying to stand. Deputy Kerfoot used his knee and struck Inmate Clayborn in the torso area 3-4 times, which seemed to have little to no effect on Clayborn. Clayborn was able to get to his hands and knees and crawled a short distance into the mini-clinic **(refer to photographs Exhibit B and video footage Exhibit F).** The deputies were able to stop Clayborn's movement, and Deputy Kerfoot heard Deputy Sanchez yell "Taser." Deputy Kerfoot said Deputy Sanchez discharged the Taser, which struck Inmate Clayborn in the back. The Taser was effective and the deputies handcuffed Inmate Clayborn without further incident.

Deputy **Jose Sanchez** wrote a supplemental report regarding his actions and observations during this incident. Deputy Sanchez was also interviewed regarding this incident. For Deputy Sanchez' complete and detailed statements, refer to his Supplemental Report **(Exhibit A)** and the verbatim transcript or digital audio file.

Deputy Sanchez said he was contacted by Deputy Kerfoot and informed that there was an inmate possibly in possession of a "shank," secreted in his anal orifice. Deputy Sanchez assisted Deputy Kerfoot by escorting Inmate Clayborn to the main clinic for an X-ray.

While being escorted and in the main clinic, Inmate Clayborn was cooperative and calm. When it was time for Inmate Clayborn to be X-rayed, the inmate stated that there was no need for an X-ray and refused the procedure. Deputy Kerfoot contacted Sergeant Mosquera and advised him of the situation. Sergeant Mosquera responded to the clinic and spoke with Inmate Clayborn in an attempt to have Clayborn submit to an X-ray voluntarily. Inmate Clayborn maintained his refusal to be X-rayed, and Sergeant Mosquera left the clinic to go and advise the Watch Commander of the situation.

Deputy Sanchez said he and Deputy Kerfoot waited in the clinic. Sergeant Mosquera called and advised them to check with Twin Towers to see if a portable X-ray could be used to X-ray an inmate while the inmate is seated.

Deputy Sanchez said they contacted Twin Towers and were told that it was not possible.

Deputy Sanchez and Deputy Kerfoot waited for further instruction from Sergeant Mosquera. After waiting approximately 45 minutes, Deputy Kerfoot left Deputy Sanchez and Clayborn in the clinic and went to look for Sergeant Mosquera. Deputy Sanchez said Deputy Kerfoot came back a short time later, and told him they needed to take Inmate Clayborn back to the 2000 floor.

Deputies Sanchez and Kerfoot escorted Inmate Clayborn back to the 2000 floor and when they arrived, they saw approximately 15 inmates in the hallway. Deputy Sanchez said they advised Deputy [redacted] of the situation, when they arrived on the 2000 floor.

Deputy Sanchez said due to the number of inmates in the hallway, he and Deputy Kerfoot made a simultaneous decision to take Clayborn into the mini-clinic. Deputy Sanchez said this decision was not made with any real discussion. Deputy Sanchez stated they both knew where to go and what to do.

Deputy Sanchez said Deputy [redacted] advised Inmate Clayborn of the plan to handcuff Clayborn to a security gate and provide him with a crate lined with plastic so that he could voluntarily remove the contraband he had secreted. Deputy Sanchez stated that he learned this procedure when he began working at Men's Central Jail, and has used this process several times tó successfully retrieve narcotics and contraband from inmates. To Deputy Sanchez' knowledge, Bonus Deputies and sergeant personnel were well aware of this type of procedure.

Deputy Sanchez removed the handcuffs from Inmate Clayborn, and almost immediately the inmate turned and struck him (Deputy Sanchez) on the left side of his face, knocking him backward.

Deputy Sanchez was dazed and had to recover from the blow. He saw Deputies [redacted], Villalobos, and Kerfoot come to his aid. When Deputy Sanchez recovered, Inmate Clayborn was fighting with other deputy personnel. Deputy Sanchez, in an effort to stop Inmate Clayborn from assaulting him or the other deputy personnel, used his right fist, and struck Inmate Clayborn 3-4 times in the face. The deputies took Inmate Clayborn to the ground and tried to gain control of his arms and legs. Inmate Clayborn was kicking his legs at the deputies, so Deputy Sanchez positioned himself across the inmate's legs to try and stop him from kicking.

Inmate Clayborn continued to assault the deputies by kicking his legs at them, so Deputy Sanchez punched Inmate Clayborn in the right torso area 3-4 times.

Deputy Sanchez and the other deputies continued to give Inmate Clayborn verbal commands to stop fighting, but Inmate Clayborn continued to fight with the deputies.

Inmate Clayborn brought his knees up to his chest and tried to stand up. Deputy Sanchez elbowed the inmate 3-4 times in the left torso area, in an attempt to keep Inmate Clayborn from getting up. Inmate Clayborn then began to crawl toward the mini-clinic trying to get away from the deputies.

Deputy Sanchez then retrieved his Taser and fired it at Inmate Clayborn, striking him in the back. With the Taser darts embedded in Inmate Clayborn's back, Deputy Sanchez used the three prong method and placed the Taser onto the inmate's leg creating three points of contact.

Inmate Clayborn was then handcuffed without further incident. Deputy Sanchez stated that during his tenure on the Department, an inmate has never turned on him and struck him as Inmate Clayborn had. Deputy Sanchez said he learned a valuable lesson and realizes that he should have had other deputy personnel standing next to him to secure the inmate's hands once he took the handcuffs off.

Deputy [redacted] wrote a supplemental report regarding his actions and observations during this incident. Deputy [redacted] was also interviewed regarding this incident. For Deputy [redacted] complete and detailed statements, refer to his Supplemental Report **(Exhibit A)** and the verbatim transcript or digital audio file.

Deputy [redacted] stated that he was working on the [redacted] when Deputies Kerfoot and Sanchez came onto the floor with Inmate Clayborn. One of the two deputies informed Deputy [redacted] that Inmate Clayborn was in possession of a "shank" and they escorted the inmate into the mini-clinic area.

Deputy [redacted] stated that there were several inmates on the floor in the hallway. He felt that it was a safety issue to keep Inmate Clayborn in the hallway. Once they entered that hallway leading to the mini-clinic, Deputy [redacted] advised Inmate Clayborn of their plan to keep him in the hallway where he could be monitored by video surveillance, and he would be given an opportunity to voluntarily remove the contraband. Deputy [redacted] explained to Inmate Clayborn that he was going to be handcuffed to the gate and given a crate lined with plastic so that he could remove the contraband. Deputy [redacted] stated that this was a technique he had been shown while assigned at Men's Central Jail and he has used this technique on previous occasions, successfully. Inmate Clayborn was cooperative and complied with all the directions that were given.

Deputy [redacted] stepped toward the doorway leading to the 2000 floor as he saw Deputy Sanchez began to remove the handcuffs from Inmate Clayborn.

Deputy [redacted] stated he was going to leave the mini-clinic to locate a crate and other items needed to secure Inmate Clayborn. Before he was able to leave, he saw Inmate Clayborn, who had been un-handcuffed, turn and strike Deputy Sanchez in the face. Seeing the inmate standing over Deputy Sanchez, and fearing the assault would continue, Deputy [redacted] with other deputy personnel, rushed to grab Inmate Clayborn, and get him away from Deputy Sanchez.

When the deputies grabbed Inmate Clayborn, the momentum of the deputies moving caused them to fall to the floor. Inmate Clayborn landed on his left side and continued to fight with the deputies, in spite of their verbal commands to stop fighting and put his hands behind his back. Deputy [redacted] said Inmate Clayborn began kicking at the deputies and trying to punch with his hands.

Deputy [redacted] was kneeling in front of Inmate Clayborn trying to gain control of his arm. Deputy [redacted] gave Inmate Clayborn 2-3 knee strikes to the stomach area in an effort to stop Inmate Clayborn's from his assault. Inmate Clayborn struck Deputy [redacted] in the stomach with his right elbow, and looked as if he was going to strike Deputy [redacted] again, so Deputy [redacted] punched Inmate Clayborn in the face 2-3 times. This stopped the inmate from elbowing Deputy [redacted], but did not stop his assault in other ways. Inmate Clayborn used his right hand and grabbed Deputy [redacted]' inner, left thigh area, close to his groin, and squeezed hard. Deputy [redacted] used his right knee, and gave Inmate Clayborn 2-3 knee strikes to the face and 2-3 knee strikes to the right shoulder. This caused Inmate Clayborn to release his grip on Deputy [redacted]' thigh.

Deputy [redacted] saw that his radio microphone had come loose from his shirt and was close to the inmate. Fearing the inmate would use the object as a weapon, Deputy [redacted] stood up, disengaged from the fight, and re-secured his radio to his uniform shirt. While he was disengaged, Deputy [redacted] saw Inmate Clayborn strike Deputy Kerfoot in the face with an elbow. Deputy [redacted] gave Inmate Clayborn several knee strikes to his right shoulder in an effort to stop his assault on the deputies. Inmate Clayborn was able to get into a crawling position, tried to crawl away from the deputies, and appeared as if he was going to try and stand up.

Deputy [redacted] heard Deputy Sanchez announce "Taser" as he discharged his Taser, striking Inmate Clayborn in the back. The Taser had the desired effect on the inmate and he was handcuffed without further incident.

Deputy **Adam Villalobos** wrote a supplemental report regarding his actions and observations during this incident. Deputy Villalobos was also interviewed regarding this incident. For Deputy Villalobos' complete and detailed statement refer to his Supplemental Report **(Exhibit A)** and the verbatim transcript or digital audio file.

Deputy Villalobos was working on the 2000 floor when he saw Deputies Kerfoot and Sanchez escort an inmate into the mini-clinic doorway. Deputy Villalobos entered the hallway leading to the mini-clinic in order to provide additional security.

After walking into the hallway, Deputy Villalobos saw Deputy Sanchez remove the handcuffs from Inmate Clayborn. Deputy Villalobos said Clayborn suddenly turned and struck Deputy Sanchez, knocking Deputy Sanchez backwards.

Deputy Villalobos immediately moved toward the Inmate and used his fist to strike Inmate Clayborn in the face approximately two times. Deputy Villalobos then attempted to take the inmate down to the ground, but Inmate Clayborn began fighting with responding deputies. Deputy Villalobos gave three to four knee strikes to Inmate Clayborn in an attempt to stop the inmate from fighting. At that time, Deputies Kerfoot and [redacted] assisted Deputy Villalobos with taking the inmate down to the ground.

Once on the ground, the deputies continued to give verbal commands, and tried to gain control of Inmate Clayborn. Inmate Clayborn continued to fight, and struck Deputy Villalobos in the face with his left elbow.

Inmate Clayborn then pushed himself off the floor and attempted to crawl. Deputy Villalobos tried to grab the inmate's legs to gain control of them and keep the inmate from moving. Inmate Clayborn began kicking his feet, striking Deputy Villalobos in his left leg. Deputy Villalobos disengaged and saw Deputy Kerfoot deploy his OC Spray, which had no effect on the inmate.

Inmate Clayborn looked as if he was trying to stand, so Deputy Villalobos kicked the inmate three to five times in the right leg to prevent Inmate Clayborn from getting to his feet. Inmate Clayborn began crawling toward the mini-clinic. Deputy Villalobos heard Deputy Sanchez yell "Taser," and saw Deputy Sanchez discharge a Taser, striking Inmate Clayborn in the back.

Deputy Villalobos and Deputy Kerfoot were able to handcuff Inmate Clayborn without the use of further force.

Sergeant **Hugo Mosquera** was interviewed regarding his actions and observations during this incident. This interview was audio recorded and the verbatim transcript is included in this investigation. For Sergeant Mosquera's complete and detailed statement refer to the verbatim transcript and/or digital audio file.

At the conclusion of this use of force, Sergeant Mosquera began the process of completing a Supervisor's Use of Force Report (438 form). It was later determined that Inmate Clayborn had suffered a fractured rib, and the force review was assumed by IAB. During his initial review, Sergeant Mosquera authored the narrative portion of the use of force review, which is included in this casebook **(Exhibit J).**

In his Use of Force review, Sergeant Mosquera wrote in his "Training and Tactical Review" that the circumstances that led up to the force caused him "great concern." Sergeant Mosquera also recommended that this incident be "considered for further investigation."

Sergeant Mosquera was interviewed regarding his concerns and the reason he felt this incident needed to be further investigated.

Sergeant Mosquera was first made aware of this situation when Deputy Kerfoot contacted him and advised him that he (Deputy Kerfoot) had obtained information that Inmate Clayborn was possibly armed with a "shank," secreted in his rectum.

Deputy Kerfoot requested permission to take the inmate to the main clinic for an X-ray, which Sergeant Mosquera approved. A short time later, Deputy Kerfoot contacted Sergeant Mosquera and advised him that Inmate Clayborn was refusing to be X-rayed.

Sergeant Mosquera responded to the main clinic and attempted to gain Inmate Clayborn's voluntary compliance. Inmate Clayborn restated his refusal, stating he would not voluntarily submit to being X-rayed. Sergeant Mosquera advised Deputies Kerfoot and Sanchez to wait with the inmate while he (Sergeant Mosquera) went to confer with the Watch Commander.

Sergeant Mosquera conferred with Sergeant Roberts, who was the acting watch commander, and Sergeant Roberts did not know what to do in this situation. Sergeant Mosquera and Sergeant Roberts then went to the Operations office and conferred with Lieutenant Duane Harris about the steps they should take.

Sergeant Mosquera said he had several issues with the situation. Sergeant Mosquera has investigative experience and has written several search warrants throughout his career. Sergeant Mosquera said that they did not have cause to forcibly make Inmate Clayborn submit to an X-ray, which is a medical procedure requiring a court order. Sergeant Mosquera did not feel that a judge would sign a search warrant or issue a court order based on the fact the information about Inmate Clayborn possessing a weapon did not come from a reliable source.

Sergeant Mosquera's second issue was that in Unit Order 3-09-030 **(Exhibit I)** the issue of contraband is addressed; however, the issue of an inmate in possession of a weapon is not clearly addressed. Sergeant Mosquera felt that following the Unit Order, which states that an inmate in possession of contraband shall be placed in an isolation cell un-handcuffed with the water turned off and water removed from the toilet, could possibly cause a barricaded suspect type of situation. If the inmate was in possession of a weapon, and that inmate retrieved such a weapon inside an isolation cell, then it would cause more force to be used by now having to do a cell extraction.

Mosquera said as he was leaving the Operations office, Deputy Kerfoot contacted Sergeant Mosquera for further direction on what to do with Inmate Clayborn. Sergeant Mosquera said he told Deputy Kerfoot to escort the inmate back to the 2000 floor and secure him to the bench until they determined further. Sergeant Mosquera told Deputy Kerfoot he would be heading back to the 2000 floor as well.

Sergeant Mosquera went to the 2000 floor, and while inside the Sergeant's office talking with a senior deputy, Sergeant Mosquera heard radio traffic of deputies involved in a fight inside the mini-clinic area of the 2000 floor. Sergeant Mosquera responded and saw several deputies attempting to gain control of a struggling Inmate Clayborn. Within a few seconds, a Taser was deployed and Inmate Clayborn was handcuffed.

Sergeant Mosquera said the deputies advised him of their plan to secure the inmate to the metal gate and provide the inmate with a crate. Sergeant Mosquera said the deputies told him they were in the process of gathering all of the items needed to execute their plan when the force incident took place.

Sergeant Mosquera said that he feels the deputies were lulled into a state of complacency by Inmate Clayborn's attitude of cooperation during this entire ordeal, prior to the assault on Deputy Sanchez. Sergeant Mosquera feels that the deputies lack of training and experience led them to make some of the decisions they made, which led up to the use of force. Sergeant Mosquera said it is his opinion that this incident could have been avoided. Sergeant Mosquera said in his opinion the deputies involved in this incident were not being malicious or intentionally disobeying his directions. He feels the deputies became focused on retrieving the weapon from the inmate and lost sight of the bigger picture.

Sergeant Mosquera feels that the deputies were sincerely trying to do good police work and trying to accomplish the goal of retrieving the weapon. Sergeant Mosquera feels this incident should be used as training so that it does not occur again in the future. Sergeant Mosquera said the deputies involved expressed that they all learned from this incident and he feels that these deputies will not make a similar mistake.